IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

Cont.Case(C).No.1558 of 2006(S)

(ARISING OUT OF THE JUDGEMENT IN O.P.NO.1026/2000 DATED 06/02/2006)

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PETITIONER/PETITIONER IN THE O.P:-

A.PADMANABHAN,
SECRETARY, THERUR EDUCATIONAL SOCIETY, THERUR,
EDAYANNUR P.O., KANNUR DIST.

BY ADV. SRI.POOVAMULLE PARAMBIL ABDULKAREEM.

RESPONDENT/RESPONDENT NO.3 IN THE O.P:-

K.N.SREEDEVI
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER),
ASSISTANT EDUCATIONAL OFFICER, MATTANNUR,
KANNUR DISTRICT.

BY ADV. SRI.K.V.PAVITHRAN
SRI.JAYANANDAN MADAYI PUTHIYAVEETTIL.

THIS CONTEMPT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.Dattu,C.J. & K.T.Sankaran,J.

Cont. Case (C) No.1558 of 2006-S

Dated, this the 25th day of July 2007

JUDGMENT

K.T.Sankaran,J.

This Contempt Case (Civil) is filed by the petitioner in O.P.No.1026 of 2000 alleging that the 3rd respondent in the Original Petition has wilfully disobeyed the judgment dated 6th February, 2006 in the writ petition. The prayers of the petitioner in the Original Petition, as stated in the statement of facts in the contempt petition, were the following:

> "1. To issue writ of mandamus or any other writ order or direction directing the 3rd respondent not to approve the illegal appointments made as per Exts.P8 and P9 made by the 5th respondent and not to permit the 5th respondent to make any appointment in any vacancy of teaching staff or non-teaching staff in Therur U.P.School.
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> 2. To issue appropriate writ, order or direction quashing Ext.P8 & P9 orders".

(2) Annexure-2 judgment dated 6th February, 2006 states that the writ petition is disposed of "making it clear that subject to the outcome of the civil suit / orders obtained in the said suit only the educational authorities shall pass any orders regarding approval of appointment of teachers appointed under the Therur U.P.School, Mattannur". No direction was issued by the judgment dated 6.2.1006 to pass orders or to approve the appointments. The complaint now raised is that the respondent in the contempt case, viz., the Assistant Educational Officer, has not passed orders as directed by this Court in the judgment.

(3) The respondent has filed a counter and stated that O.S.No.45 of 1998 mentioned in the judgment had already been disposed long before the disposal of the writ petition. In the counter affidavit it is stated that O.S.No.45 of 1998 was tried along with four other suits and were disposed of by a common judgment dated 29.09.2001. Against one of the suits, there was an appeal and a Second Appeal. The Second Appeal was also disposed even before the judgment of the learned Single Judge. When the judgment was rendered, the correct facts were not brought to the notice of the learned Single Judge. Moreover, there is no positive order directing to pass orders or to approve the appointment. The counter affidavit states that there is no conclusive finding by the civil Court as to management dispute between the parties.

(4) In view of the above, it cannot be said that there was any wilful violation of the orders passed by this Court. There is no merit in the contempt petition. It is accordingly dismissed.

H.L.Dattu
Chief Justice

K.T.Sankaran
Judge

vku/-